

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **EVELIO DROZ RAMOS**  
**AUREA ESTHER FRANCO DE DIAZ**  
Debtor(s)

CASE NO: **14-08190-ESL**  
  
**Chapter 13**

**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***

Total Agreed: **\$3,000.00**      Paid Pre-Petition: **\$1,007.00**      Outstanding (Through the Plan): **\$1,993.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income      Liquidation Value: **\$191,466.00**

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)      General Unsecured Pool: **\$0.00**

With respect to the (amended) Plan date: Jan 05, 2016 (Dkt 59)      Plan Base: **\$85,585.00**

The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation      Gen. Uns. Approx. Dist.: 100 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

The Plan fails to provide a treatment to secured creditor PR Asset Portfolio, included in Schedule D. Debtor has an action in State Court against this creditor, since the Register of the Property wrongly registered a mortgage over his property.

In order to understand more this case, debtor must clarify if he had a loan with PR Asset Portfolio, if he has any unsecured obligation with PR Asset Portfolio and if the civil case filed against debtor by this PR Asset was stayed due to the filing of the bankruptcy petition.

All this issue are necessary to be clarified in order to evaluate the Plan. Also, it is necessary to confirm this creditor was notified of the filing of the bankruptcy petition.

**\*OTHER COMMENTS / OBJECTIONS**

1- Also, PR Asset, alleged secured creditors provided for in the plan, did not file a proof of claims. Said creditor will not participate from the disbursements until it files its claim.

2- Debtor must inform the status of the liquidation of the inheritance.

3-Trustee hereby submit this position in compliance with Order entered at confirmation hearing held on January 13, 2016.(Docket no. 61)

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Mayra Arguelles, Esq.